

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

**THOMAS H. KRAKAUER, on behalf of a
class of persons,**

Plaintiff,

vs.

DISH NETWORK, L.L.C.

Defendant.

Civil Action No: 1:14-CV-00333-CCE-JEP

JOINT RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f) and LR 16.1(b), a telephone conference was held on June 26, 2014. The participants were Anthony I. Paronich for the Plaintiff Thomas H. Krakauer, and Eric L. Zalud for the Defendant DISH Network L.L.C (“DISH”).

1. Discovery Plan.

The parties propose to the Court the following discovery plan:

Discovery will be needed on the following subjects: The parties anticipate that discovery will be needed on the requisites of Federal Rule of Civil Procedure 23 as well as the merits of Plaintiff’s claims. One discovery period, where all Rule 23 issues are addressed as well as all merits issues required for trial will be efficient for the Court.

The parties agree that the appropriate plan for this case is that designated in LR 26.1(a) as: **Exceptional.**

- The date for completion of all discovery (general and expert) is: **April 17, 2015.**

- Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:
 - From Plaintiff by **January 30, 2015**.
 - From Defendant by **March 2, 2015**.
- Stipulated modifications to the case management track include:
 - Deadline to move for class certification: **March 2, 2015**.
 - Deadline to oppose class certification: **March 23, 2015**.
 - Deadline to file reply to opposition to class certification: **April 6, 2015**.
 - Deadline to file dispositive motions: **May 4, 2015**.
 - Deadline to oppose dispositive motions: **May 15, 2015**.
 - Deadline to file reply to opposition to dispositive motions: **June 1, 2015**.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the Court.

2. Preliminary Deposition Schedule.

Preliminarily, the parties agree to the following schedule for depositions:

- The parties will schedule Plaintiff's deposition to occur by **September 30, 2014**;
- The parties at this time do not know what representatives from DISH, if any, will be deposed, but will schedule such depositions to occur by **November 30, 2014**.

The parties will update this schedule at reasonable intervals.

3. Other Items.

The parties will be allowed until **October 15, 2014** to request leave to join additional parties or amend the pleadings.

Magistrates. The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master: The parties *do not* consent under 28 U.S.C. § 636(c) and do not require appointment of a master.

The parties are uncertain how long a trial will take in this matter. If this case is certified as a class action pursuant to Rule 23, the parties estimate trial will take **two weeks**. If the case is not certified as a class action pursuant to Rule 23, the parties estimate trial will take **two days**.

This the 3rd day of July, 2014.

/s/ Edward A. Broderick

EDWARD A. BRODERICK
ANTHONY PARONICH
Broderick Law, P.C.
125 Summer St., Suite I 030
Boston, MA 02110
(617) 738-7080 Telephone
ted@broderick-law.com
anthony@broderick-law.com

/s/ Matthew P. McCue

MATTHEW P. MCCUE
The Law Office of Matthew P. McCue
1 South Avenue, Third Floor
Natick, MA 01760
(508) 655-1415 Telephone
(508) 319-3077 Facsimile
mccue@massattomeys.net

/s/ John W. Barrett

JOHN W. BARRETT
Bailey & Glasser, LLP
209 Capitol Street Charleston, WV 25301
(304) 345-6555 Telephone
(304) 342-1110 Facsimile
jbarrett@baileyglasser.com

/s/ Matthew Norris

J. MATTHEW NORRIS
Norris Law Firm, PLLC
1033 Bullard Court, Suite 207
Raleigh, NC 27615
(919) 981-4475 Telephone
(919) 926-1676 Facsimile
E-Mail: jmn@consumerlaw.com

Attorneys for Plaintiffs

/s/ Richard J. Keshian

RICHARD J. KESHIAN
Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
336-607-7322 Telephone
336-734-2645 Facsimile
RKESHIAN@kilpatricktownsend.com

/s/ Eric Larson Zalud

ERIC LARSON ZALUD
Admitted Pro Hac Vice
LAURA E. KOGAN
Admitted Pro Hac Vice
Benesch, Friedlander,
Coplan & Aronoff, LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114
216-363-4178 Telephone
216-363-4588 Facsimile
ezalud@beneschlaw.com
lkogan@beneschlaw.com

/s/ Benjamin E. Kern

BENJAMEN E. KERN
Admitted Pro Hac Vice
Benesch, Friedlander,
Coplan & Aronoff LLP
41 South High Street, Suite 2600
Columbus, Ohio 43215
614-223-9300 Telephone
614-223-9330 Facsimile
bkern@beneschlaw.com

Attorneys for DISH Network L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing **JOINT**
RULE 26(f) REPORT was electronically filed with the clerk of Court using the CM/ECF
system which will send notification of such filing to the following:

EDWARD A. BRODERICK
ANTHONY PARONICH
Broderick Law, P.C.
125 Summer St., Suite I 030
Boston, MA 02110

JOHN W. BARRETT
Bailey & Glasser, LLP
209 Capitol Street
Charleston, WV 25301

MATTHEW P. MCCUE
The Law Office of Matthew P. McCue
1 South Avenue, Third Floor
Natick, MA 01760

J. MATTHEW NORRIS
Norris Law Firm, PLLC
1033 Bullard Court, Suite 207
Raleigh, NC 27615

Attorneys for Plaintiffs

ERIC LARSON ZALUD
Admitted Pro Hac Vice
LAURA E. KOGAN
Admitted Pro Hac Vice
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114

BENJAMEN E. KERN
Admitted Pro Hac Vice
Benesch, Friedlander, Coplan & Aronoff LLP
41 South High Street, Suite 2600
Columbus, Ohio 43215

Attorneys for DISH Network L.L.C.

This the 3rd day of July, 2014.

/s/ Richard J. Keshian
RICHARD J. KESHIAN
Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
336-607-7322 Telephone
336-734-2645 Facsimile
RKESHIAN@kilpatricktownsend.com